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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California  
15 Corporation,

16 Plaintiff,

17 v.

18 NEIMAN MARCUS GROUP, INC., a  
19 Delaware Corporation; SUNLAND  
20 SPORTSWEAR, INC., a California  
21 Corporation; AMANDA VINCI, INC., a  
22 New York Corporation; and DOES 1 through  
23 10,

24 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

25 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
26 this honorable Court for relief based on the following:  
27  
28

**JURISDICTION AND VENUE**

1  
2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
3 *et seq.*

4 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
7 1400(a) in that this is the judicial district in which a substantial part of the acts and  
8 omissions giving rise to the claims occurred.

**PARTIES**

9  
10 4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing  
11 under the laws of the State of California with its principal place of business located  
12 at 1440 East Walnut Street, Los Angeles, California 90011.

13 5. Plaintiff is informed and believes and thereon alleges that Defendant  
14 NEIMAN MARCUS GROUP, INC. (“NEIMAN”) is a corporation organized and  
15 existing under the laws of the State of Delaware, with its principal place of business  
16 located at One Marcus Square, 1618 Main Street, Dallas, Texas 75201, and is doing  
17 business in and with the State of California.

18 6. Plaintiff is informed and believes and thereon alleges that Defendant  
19 SUNLAND SPORTSWEAR, INC. (“SUNLAND”) is a corporation organized and  
20 existing under the laws of the State of California with its principal place of business  
21 located at 7234 Elmo Street, Tujugna, California 91042.

22 7. Plaintiff is informed and believes and thereon alleges that Defendant  
23 AMANDA VINCI, INC. (“AMANDA”) is a corporation organized and existing  
24 under the laws of the State of New York with its principal place of business located  
25 at 499 7<sup>th</sup> Avenue, 2<sup>nd</sup> Floor North, New York, New York 10018, and is doing  
26 business in and with the State of California.

1           8. Plaintiff is informed and believes and thereon alleges that Defendants  
2 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed  
3 Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights,  
4 or have engaged in one or more of the wrongful practices alleged herein. The true  
5 names, whether corporate, individual or otherwise, of Defendants 1 through 10,  
6 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
7 by such fictitious names, and will seek leave to amend this Complaint to show their  
8 true names and capacities when same have been ascertained.

9           9. Plaintiff is informed and believes and thereon alleges that at all times  
10 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
11 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
12 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
13 and/or employment; and actively participated in or subsequently ratified and/or  
14 adopted each of the acts or conduct alleged, with full knowledge of all the facts and  
15 circumstances, including, but not limited to, full knowledge of each violation of  
16 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

17                           **CLAIMS RELATED TO DESIGN NO. 62194**

18           10. Plaintiff owns an original two-dimensional artwork used for purposes of  
19 textile printing entitled 62194 ("Subject Design A") which has been registered with  
20 the United States Copyright Office.

21           11. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
22 bearing Subject Design A to numerous parties in the fashion and apparel industries.

23           12. Plaintiff is informed and believes and thereon alleges that following this  
24 distribution of product bearing Subject Design A, NEIMAN, SUNLAND, and DOE  
25 Defendants, and each of them, manufactured, distributed, and/or sold fabric and/or  
26 garments comprised of fabric featuring a design which is identical, or substantially  
27 similar, to Subject Design A (hereinafter "Subject Product A") without Plaintiff's  
28

1 authorization, including but not limited to products sold by NEIMAN under SKU  
 2 840426083771 and bearing the label “TRULUV” and RN 40600, indicating it was  
 3 manufactured by or for SUNLAND.

4 13. Representative portions of Subject Design A and Subject Product A are set  
 5 forth hereinbelow:

6 **Subject Design A**



7 **Subject Product A**



11 **CLAIMS RELATED TO DESIGN NO. 63556**

12 14. Plaintiff owns an original two-dimensional artwork used for purposes of  
 13 textile printing entitled 63556 (“Subject Design B”) which has been registered with  
 14 the United States Copyright Office.

15 15. Prior to the acts complained of herein, Plaintiff widely disseminated fabric  
 16 bearing Subject Design B to numerous parties in the fashion and apparel industries.

17 16. Plaintiff is informed and believes and thereon alleges that following its  
 18 distribution of Subject Design B, NEIMAN, AMANDA, DOE Defendants, and each  
 19 of them, manufactured, distributed, and/or sold fabric and/or garments comprised of  
 20 fabric featuring a design which is identical, or substantially similar, to Subject  
 21 Design B (hereinafter “Subject Product B”) without Plaintiff’s authorization,  
 22 including but not limited to products sold by NEIMAN under SKU 23481685 and  
 23  
 24  
 25  
 26  
 27  
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bearing the label “Neiman Marcus” and RN 115151, indicating that it was manufactured by or for AMANDA.

17. Representative portions of Subject Design B and Subject Product B are set forth hereinbelow:

**Subject Design B**



**Subject Product B**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

18. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

19. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Designs A and B (collectively, “Subject Designs”), including, without limitation, through (a) access to Plaintiff’s showroom and/or design library; (b) access to illegally distributed copies of Subject Designs by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff’s strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing Subject Designs.





- a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff’s copyrights in Subject Designs;
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys’ fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

Dated: February 16, 2017

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger  
Stephen M. Doniger, Esq.  
Howard S. Han, Esq.  
Attorneys for Plaintiff